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GROUP 1700

Docket No.: 214597US3KK



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No.: 09/972,866
Applicants: Hiroichi INADA, et al.
Filing Date: October 10, 2001
For: COATING UNIT AND COATING METHOD
Group Art Unit: 1762
Examiner: PIANALTO, B

SIR:

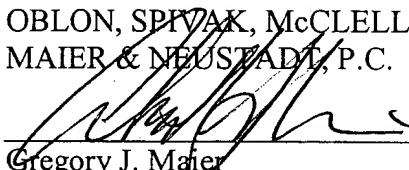
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

Hiroichi INADA, et al.

: EXAMINER: PIANALTO, BERNARD D

SERIAL NO: 09/972,866

:

FILED: OCTOBER 10, 2001

: GROUP ART UNIT: 1762

FOR: COATING UNIT AND COATING METHOD

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated May 23, 2003, Applicants provisionally elect Group (Invention) I, Claims 1-7, drawn to an apparatus, classified in class 118, subclass 663.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action asserts that "[t]he inventions are distinct, each from the other" under MPEP § 806.05(e) simply because "[i]n this case the apparatus could be used for cleaning or treating a substrate." However, without further information, such findings lack grounds upon which it can be evaluated whether in fact the proposed alternatives are "materially different" under MPEP §806.05(e). Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP § 803 states the following:

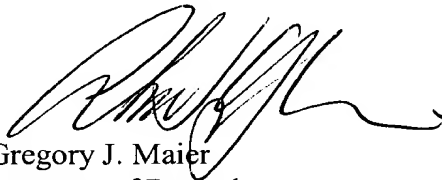
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present application, Claim 1 is directed to a coating unit for applying a coating solution on a substrate, while Claims 8 and 9 are each directed to a coating method for applying a coating solution on a substrate. Hence, it appears that the claims in the present application are part of an overlapping search area and that a search for Claims 1-7 would necessarily include the class and subclass required for searches directed to Claims 8-13 as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP § 803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-13 be conducted.

Respectfully submitted,

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